

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

THE SATANIC TEMPLE, INC. and ANN DOE

PLAINTIFFS,

v.

**TEXAS DEPARTMENT OF STATE HEALTH
SERVICES, and**

**JOHN WILLIAM HELLERSTEDT, MD, in his
official capacity as Executive Commissioner of
the DEPARTMENT OF STATE HEALTH
SERVICES.**

DEFENDANTS.

CASE NO. 4:21-CV-00387

JUDGE CHARLES ESKRIDGE

UNOPPOSED MOTION TO AMEND COMPLAINT

COME NOW Plaintiffs, by and through counsel of record, with an unopposed motion to amend the complaint pursuant to FRCP 15(a)(2).

1. On February 12, 2021, Plaintiffs filed a first amended complaint against the Texas Department of State Health Services and Dr. John William Hellerstedt, asserting constitutional issues with Texas's abortion regulations as applied to Plaintiff's membership.
2. On April 30, 2021, Plaintiffs were advised by counsel for Defendants that the obligation to enforce the abortion regulations at issue has been transferred from the Texas Department of State Health Services, see Tex. Health & Safety Code Ann. § 171.005, to the Texas Health and Human Services Commission ("**HHSC**"). See generally Tex. Gov't Code Ann. § 531.0204; see also HHSC's website ("Abortion Facilities in Texas are regulated by the Texas Health and Human Services Commission"), available at <https://hhs.texas.gov/doing-business-hhs/provider-portals/health-care-facilities-regulation/abortion-facilities> (last

visited April 30, 2021).

3. Pursuant to the parties' good faith conference on even date, Plaintiffs also anticipate making other clarifying edits to the allegations.
4. FRCP 15(a)(2) provides for amending complaints with leave of the opposing party.
5. Counsel for Plaintiffs have extensively conferred with counsel for Defendants on this issue. It is jointly anticipated by the parties' counsel of record that (a) counsel for Defendants will continue defending against this case, (b) HHSC and Cecile Young (in her official capacity as executive commissioner of HHSC) will not object to substitution as the real parties in interest for DSHS and Dr. Hellerstedt, and (c) that HHSC and Cecile Young (in her official capacity as executive commissioner of HHSC) will promptly waive service to preserve the July 14 hearing date.
6. Counsel for Plaintiffs propose to file a second amended complaint on or before May 7, 2021.
7. Counsel for Defendants propose to file a motion to dismiss on or before May 28, 2021.
8. This briefing schedule would preserve the July 14 hearing date.
9. Counsel for Plaintiffs provided this motion to counsel for Defendants prior to filing and are authorized to state that Defendants do not oppose this motion.

WHEREFORE Plaintiffs pray this Court grant leave for Plaintiffs to file an amended complaint on May 7, 2021.

[remainder intentionally left blank, signatures and certificate following]

Respectfully submitted,

On: April 30, 2021

By: ___/s/ Matthew A. Kezhaya___
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CERTIFICATE AND NOTICE OF SERVICE

NOTICE IS GIVEN that I, Brad Ryynanen, efiled the foregoing document by uploading it to the Court's CM/ECF system on April 30, 2021 which sends service to registered users, including all other counsel of record in this cause. /s/ Brad Ryynanen